

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**  
*Criminal No. 21-cr-108 (PAM/TNL) (3)*

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UNITED STATES OF AMERICA,	)	
	)	
	)	<b>NOTICE PURSUANT TO FED. R. EVID.</b>
Plaintiff,	)	
Vs.	)	<b>404 and 406</b>
	)	
J ALEXANDER KUENG,	)	
	)	
Defendant	)	
	)	
	)	

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Please take notice that at the trial of the above-captioned matter, the Defendant, Mr. Kueng, intends to offer evidence of the following:

On August 6, 2019, Mr. George Floyd was detained in a squad car during an investigation into his recent drug distribution as alleged by a CI. In the course of his detention Mr. Floyd was disruptive and evasive apparently attempting to avoid the detention and identification. When placed in the squad car, he was clearly not suffering claustrophobia, although, as an aside he did claim he was claustrophobic as part and parcel of other verbal claims all apparently aimed at evading or preventing his arrest. See MPD CCN 2019-233415

This incident is offered to prove common scheme or plan, and modus operandi.

This incident demonstrates that Mr. Floyd does not have the pertinent trait of claustrophobia.

On May 6, 2019, Mr. George Floyd was stopped pursuant to tip that informed a narcotics investigator that the vehicle he was traveling in would be arriving in the area of Olson Hwy and Morgan Ave NW with a large amount of Oxycodone pills. Mr. Floyd attempted to eat his drugs, was disruptive and not cooperative. He was placed in a squad car and did not display any indication of being claustrophobic. See MPD CCN 2019-127538

This incident is offered to prove common scheme or plan, and modus operandi.

This incident demonstrates that Mr. Floyd is does not have the pertinent trait of claustrophobia.

Respectfully submitted,

Dated: January 6, 2022

/s/ Thomas C. Plunkett

Thomas C. Plunkett

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